



SN 10 012,095

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10 In re Patent Application  
of Terry Long  
Serial No. 09/835,779

15 For: Brick Stacking Method For Elongated  
Sized Rectangular Cut Vegetables And Product  
Produced Thereby  
Filing Date 04/16/2001

20 Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

U.S. PATENT AND TRADEMARK OFFICE  
Examiner: Robert A. Madsen

Art Unit: 1761

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**AMENDMENT A UNDER REVISED 37 CFR 1.121**

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**a. Introductory comments.**

This is intended by the Applicant as a plenary amendment on the merits responsive to an Office Action dated May 23, 2003 wherein Claims 4, 10,11,13,15,17, and 18 were rejected under 35 USC §102 (b) as anticipated by Kurz; Claims 10,11,13, 5 and 15 were rejected under 35 USC §102 (b) as anticipated by Lamb; Claims 5 and 5 were rejected under § 103 (a) to Title 35 as obvious and therefore unpatentable over Kurz in view of Hilton et al. when combined with Fairbank and Birdseye. Claim 12 was rejected under 35 USC §102 (b) as obvious in view of the teachings of Kurz. Claims 14 and 16 were rejected under § 103 (a) to Title 35 as obvious and therefore unpatentable 10 over Kurz in view of Lamb when combined with Marshall et al.; claims 19 and 20 were rejected under § 103 (a) to Title 35 as obvious and therefore unpatentable over Kurz in view of Fairbank; claim 21 was rejected under § 103 (a) to Title 35 as obvious and therefore unpatentable over Kurz combined with Croft.

(a) Submitted herewith is a plenary amendment

15 (b) Claims have been amended to overcome the rejections based on 35 U.S.C. §103 (a) and on 35 USC §102(b). Some claims have been cancelled without prejudice. Allowance of the remaining claims is requested in view of the impermissible use of hindsight reconstruction by the Office to combine art which teaches away from the invention as fully explained below.

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